

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION – DETROIT**

IN RE:

Thomas C Miller, Jr.,
Melissa R Miller,

**CHAPTER 13
CASE NO. 19-56391-PJS
JUDGE PHILLIP J. SHEFFERLY**

DEBTORS.

**TRUSTEE'S AMENDED OBJECTIONS TO CONFIRMATION OF
FIRST MODIFIED PRE-CONFIRMATION CHAPTER 13 PLAN**

NOW COMES the Chapter 13 Standing Trustee, David Wm. Ruskin, and objects to confirmation of the First Modified Pre-Confirmation Chapter 13 Plan in the above matter pursuant to Local Bankruptcy Rule 3015-3 as follows:

1. The Plan does not increase its funding upon the termination of the obligation to Little River Band of Ottawa Indians/child support pursuant to 11 USC 1325(b)(1)(B) and 11 USC 1325(a)(3).

2. Class 5.1 of the Plan provides for equal monthly installment payments to be made to Triad Financial (Sun Communities). The proposed monthly payment will not pay this obligation in full by the expiration of Debtors' First Modified Pre-Confirmation Chapter 13 Plan. Accordingly, the Plan may not comply with 11 USC Section 1325.

3. Class 5.1 of the First Modified Pre-Confirmation Chapter 13 Plan provides for equal monthly installment payments to be made to Consumer Portfolio. The proposed monthly payment will not pay this obligation in full by the expiration of the Chapter 13 Plan.. Accordingly, the Plan may not comply with 11 USC Section 1325.

4. The Plan does not comply with 11 USC Section 1308(a). The State of Michigan – Department of the Treasury has filed a Proof of Claim indicating that Debtor-husband has not filed tax returns for 2017 and 2018.

5. The Plan does not comply with 11 USC Section 1308(a). The State of Michigan – Department of the Treasury has filed a Proof of Claim indicating that Debtor-wife has not filed tax returns for 2017 and 2018

WHEREFORE, the Chapter 13 Standing Trustee requests this Honorable Court deny confirmation of the Plan unless modified to meet these objections.

OFFICE OF DAVID WM. RUSKIN,
STANDING CHAPTER 13 TRUSTEE

Dated: May 19, 2020

By: /s/ Thomas D. DeCarlo

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**CERTIFICATE OF SERVICE OF TRUSTEE'S AMENDED OBJECTIONS TO
CONFIRMATION OF FIRST MODIFIED PRE-CONFIRMATION CHAPTER 13 PLAN**

I hereby certify that on May 19, 2020, I electronically filed the Trustee's Amended Objections to Confirmation of First Modified Pre-Confirmation Chapter 13 Plan with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

The following parties were served electronically:

CONSUMER PROTECTION ATTORNEYS OF MICHIGAN PLLC
23000 TELEGRAPH RD STE 5
BROWNSTOWN, MI 48134-0000

The following parties were served via First Class Mail at the addresses below by depositing same in a United States Postal Box with the lawful amount of postage affixed thereto:

Thomas C Miller, Jr.
Melissa R Miller
28706 Parkview
Flat Rock, MI 48134-0000

/s/ Vanessa Wild
Vanessa Wild
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